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GOVERNMENT OF TRIPURA
LAW DEPARTMENT
SECRETARIAT : AGARTALA

No.F.11 (4)- Law/Lib/2013/1059-60 **Dated, Agartala the 24th Jan, 2019.**

Subject : Re-publication of Central Ordinance, 2019 in the State Gazette.

1. The Muslim Women (Protection of Rights on Marriage) Ordinance, 2019 (No.1 of 2019)

24/01/19

Rahul Roy
Under Secretary, Law
Government of Tripura.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 12th January, 2019/Pausha 22, 1940 (Saka)

THE MUSLIM WOMEN (PROTECTION OF RIGHTS ON MARRIAGE) ORDINANCE, 2019

No. 1 OF 2019

Promulgated by the President in the Sixty-ninth Year of the Republic of India.

An Ordinance to protect the rights of married Muslim women and to prohibit divorce by pronouncing *talaq* by their husbands and for matters connected therewith or incidental thereto;

WHEREAS the Muslim Women (Protection of Rights on Marriage) Ordinance, 2018 was promulgated by the President on the 19th day of September, 2018;

AND WHEREAS the Muslim Women (Protection of Rights on Marriage) Bill, 2018 replacing the said Ordinance was passed by the House of the People on the 27th day of December, 2018 and is pending in the Council of States;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause *(1)* of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I
PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Ordinance may be called the Muslim Women (Protection of Rights on Marriage) Ordinance, 2019.

(*2*) It shall extend to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall be deemed to have come into force on the 19th day of September, 2018.

Definitions.

2. In this Ordinance, unless the context otherwise requires,—

(a) "electronic form" shall have the same meaning as assigned to it in clause *(r)* of sub-section (*1*) of section 2 of the Information Technology Act, 2000; 21 of 2000.

(b) "*talaq*" means *talaq-e-biddat* or any other similar form of *talaq* having the effect of instantaneous and irrevocable divorce pronounced by a Muslim husband; and

(c) "Magistrate" means a Judicial Magistrate of the first class exercising jurisdiction under the 2 of 1974. Code of Criminal Procedure, 1973, in the area where the married Muslim woman resides.

CHAPTER II
DECLARATION OF *TALAQ* TO BE *VOID* AND ILLEGAL

Talaq to be *void* and illegal.

3. Any pronouncement of *talaq* by a Muslim husband upon his wife, by words, either spoken or written or in electronic form or in any other manner whatsoever, shall be *void* and illegal.

Punishment for pronouncing *talaq*.

4. Any Muslim husband who pronounces *talaq* referred to in section 3 upon his wife shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

CHAPTER III
PROTECTION OF RIGHTS OF MARRIED MUSLIM WOMEN

Subsistence allowance.

5. Without prejudice to the generality of the provisions contained in any other law for the time being in force, a married Muslim woman upon whom *talaq* is pronounced shall be entitled to receive from her husband such amount of subsistence allowance for her and dependent children as may be determined by the Magistrate.

Custody of minor children.

6. Notwithstanding anything contained in any other law for the time being in force, a married Muslim woman shall be entitled to custody of her minor children in the event of pronouncement of *talaq* by her husband, in such manner as may be determined by the Magistrate.

Offence to be cognizable, compoundable, etc.

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1973,— 2 of 1974.

(*a*) an offence punishable under this Ordinance shall be cognizable, if information relating to the commission of the offence is given to an officer in charge of a police station by the married Muslim woman upon whom *talaq* is pronounced or any person related to her by blood or marriage;

(*b*) an offence punishable under this Ordinance shall be compoundable, at the instance of the married Muslim women upon whom *talaq* is pronounced with the permission of the Magistrate, on such terms and conditions as he may determine;

(*c*) no person accused of an offence punishable under this Ordinance shall be released on bail unless the Magistrate, on an application filed by the accused and after hearing the married Muslim woman upon whom *talaq* is pronounced, is satisfied that there are reasonable grounds for granting bail to such person.

Repeal and Savings.

8. *(1)* The Muslim Women (Protection of Rights on Marriage) Ordinance, 2018 is hereby repealed. Ord. 7 of 2018.

(2) Notwithstanding such repeal, anything done or any action taken under the Muslim Women (Protection of Rights on Marriage) Ordinance, 2018 shall be deemed to have been done or taken under the provisions of this Ordinance.

Ord. 7 of 2018.

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.